



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2007-308-WSC

Issue Date: May 23, 2007

Expiration Date: June 25, 2007

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Albany Port District Commission
Port of Albany
106 Smith Boulevard
Albany, NY 12202

ACTIVITY: Dredge with Ten Years Maintenance with Upland Placement

WATERWAY: Hudson River

LOCATION: Cities of Albany and Rensselaer, Albany and Rensselaer Counties, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2007-308-WSC

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

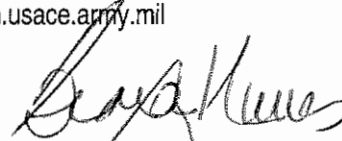
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: Navigable Waters Permit from the New York State Department of Environmental Conservation

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

For / 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, the Albany Port District Commission, has requested Department of the Army authorization to maintenance dredge with ten years maintenance at the Ports of Albany and Rensselaer, located in the cities of Albany and Rensselaer, Albany and Rensselaer Counties, New York

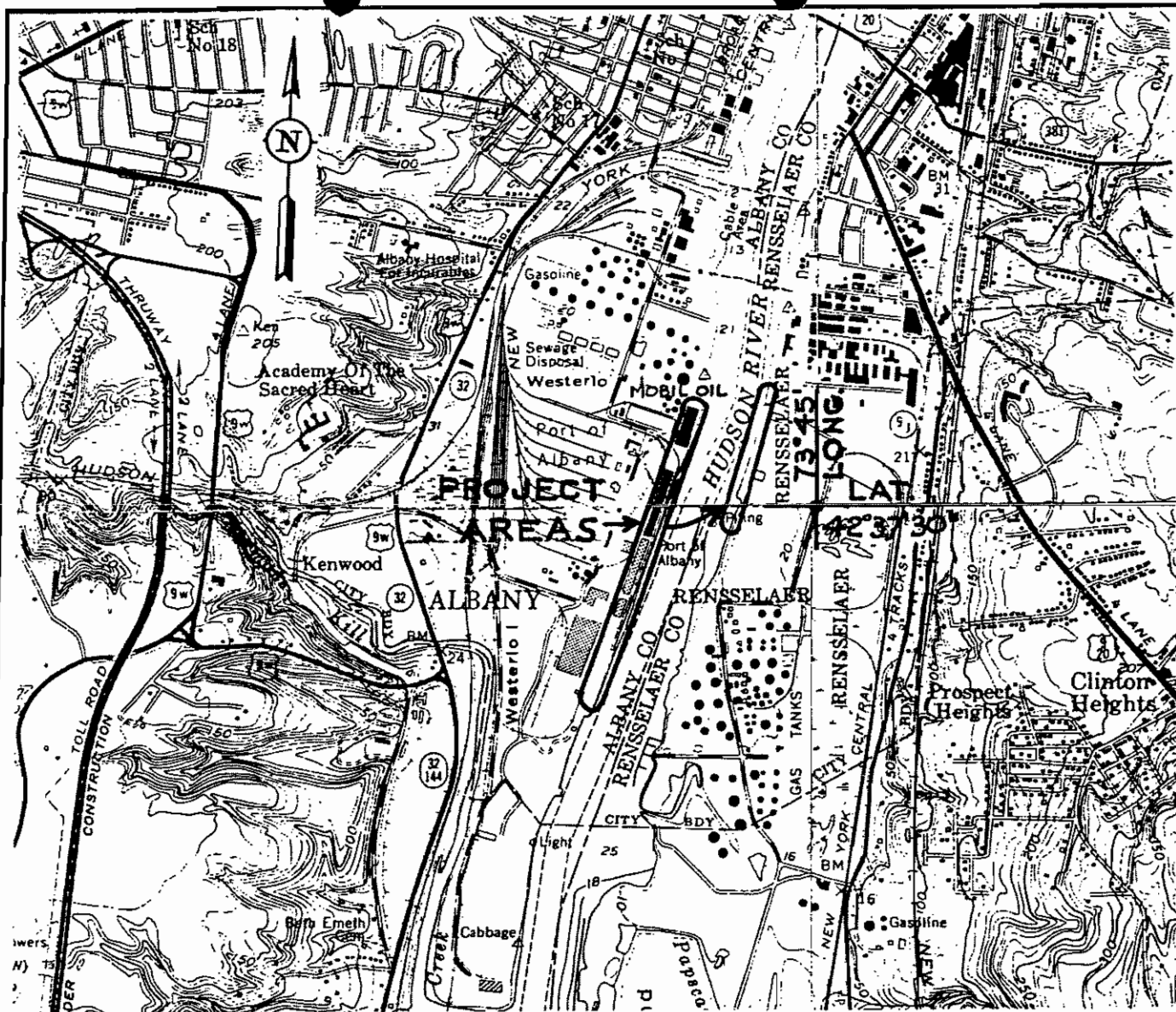
The work would involve :

Port of Albany: Maintenance dredge with ten years maintenance, with a closed clamshell bucket dredge, approximately 8,500 cubic yards of dredged material from an area of 50 feet wide by 3,300 feet long to a depth of 32 feet below the plane of mean low water plus a 2 foot overdepth.

Port of Rensselaer: Maintenance dredge with ten years maintenance, with a closed clamshell bucket dredge, approximately 1,350 cubic yards of dredged material from an area of 50 feet wide by 1,200 feet long to a depth of 30 feet below the plane of mean low water plus a 2 foot overdepth.

Barge overflow would not be authorized. The dredged material would be placed in a second barge where it would settle over a 24 hour period. The excess water would be sampled in accordance with New York State Department of Environmental Conservation requirements and then pumped out to the surrounding dredge area. The dredged material would then be placed at a State approved upland placement site. The applicant anticipates two additional dredging events, with similar volumes as above, over the 10 year life of the permit, if issued.

The purpose of this project is to maintain adequate depths for safe navigation for cargo transit vessels at an existing berthing facility.



VICINITY MAP

SCALE: 1" = 2000 FT.

REFERENCE : U.S. GEOLOGICAL SURVEY QUADRANGLES
ALBANY, SOUTH TROY, EAST GREENBUSH,
DELMAR. SHEET

SHEET 1 OF 4

DREDGING TO PROVIDE UNHINDERED BERTHING OF DEEP DRAFT SHIPS

Adjacent Property Owners:

1. Exxon/Mobil
2. Barker Steel
3. Getty Petroleum Corp.
4. Basicorp-EDC, LLC

APPLICANT:

**ALBANY PORT
DISTRICT COMMISSION**

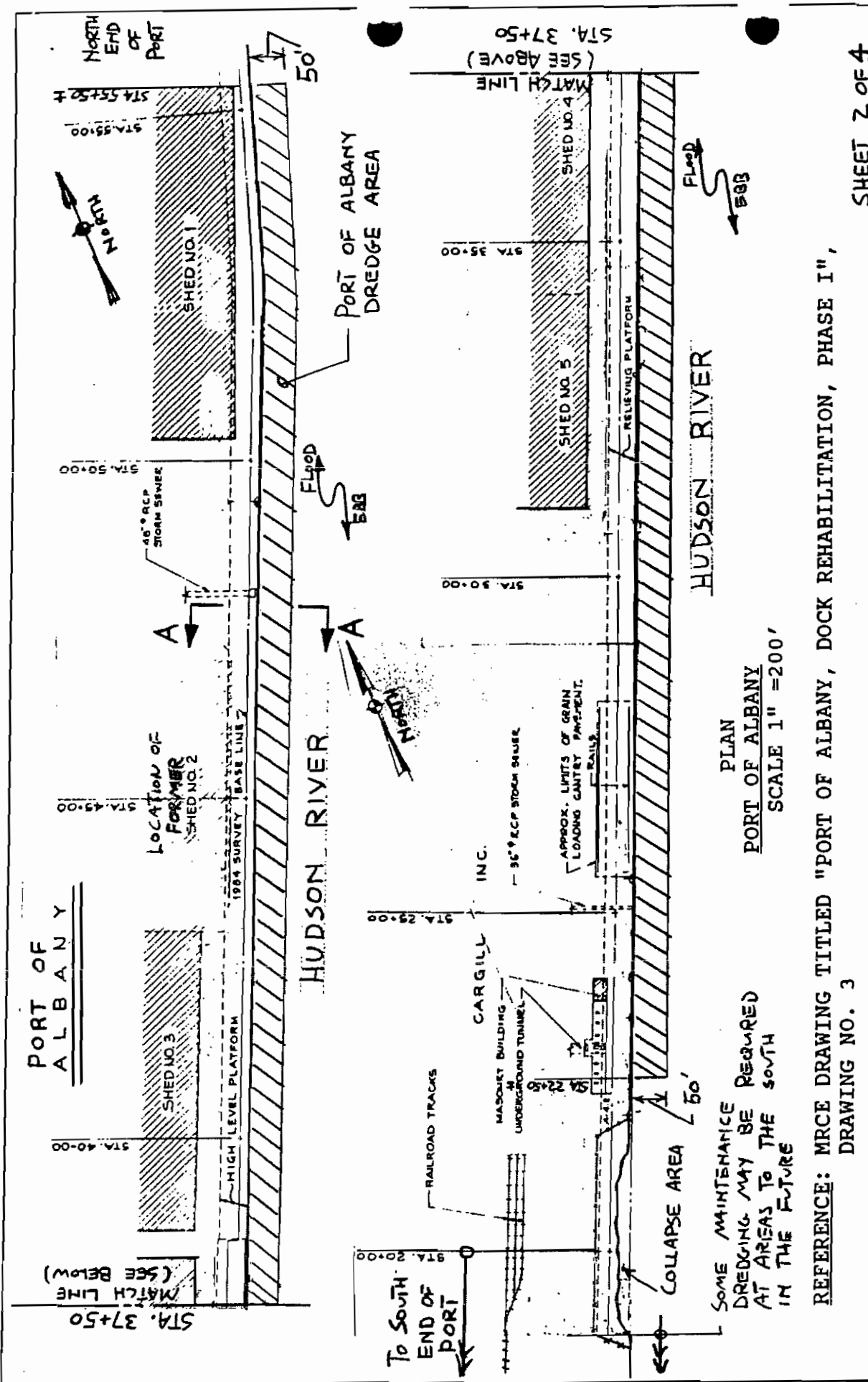
AUTHORIZED AGENT:

**MUESER RUTLEDGE
CONSULTING ENGINEERS**

PROPOSED MAINTENANCE DREDGING

IN: HUDSON RIVER

AT: PORT OF ALBANY &
PORT OF RENSSELAER
COUNTY: ALBANY, NY &
RENSSELAER

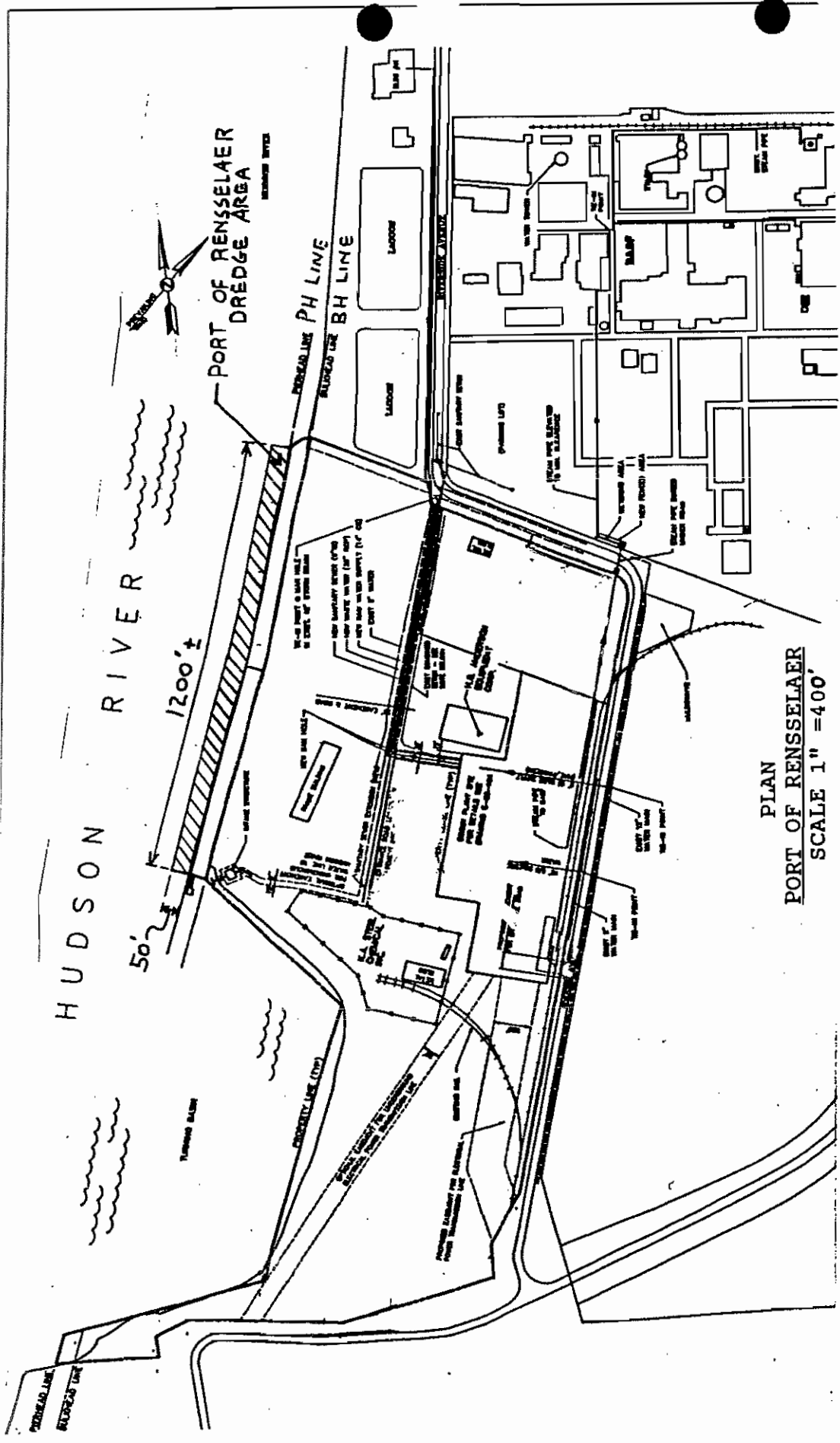


PLAN
PORT OF ALBANY
SCALE 1" = 200'

REFERENCE: MRCE DRAWING TITLED "PORT OF ALBANY, DOCK REHABILITATION, PHASE I",
DRAWING NO. 3

SHEET 2 OF 4

<p>DREDGING TO PROVIDE UNHINDERED BERTHING OF DEEP DRAFT SHIPS</p> <p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. Exxon/Mobil 2. Barker Steel 3. Getty Petroleum Corp. 4. Besicorp-EDC, LLC 	<p>APPLICANT:</p> <p>ALBANY PORT DISTRICT COMMISSION</p> <p>AUTHORIZED AGENT:</p> <p>MUESER RUTLEDGE CONSULTING ENGINEERS</p>	<p>PROPOSED MAINTENANCE DREDGING</p> <p>IN: HUDSON RIVER</p> <p>AT: PORTS OF ALBANY & RENSSELAER</p> <p>COUNTIES: ALBANY & RENSSELAER</p>
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REFERENCE: PLAN TAKEN FROM DRAWING BY ULTRASYSTEMS, ENGINEERS & CONSTRUCTORS TITLED "AREA PLAN WITH OFFSITE EASEMENTS & UTILITIES - COGENERATION PLANT"

SHEET 3 of 4

<p>DREDGING TO PROVIDE UNHINDERED BERTHING OF DEEP DRAFT SHIPS</p> <p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> 1. Exxon/Mobil 2. Barker Steel 3. Getty Petroleum Corp. 4. Besicorp-EDC, LLC 	<p>APPLICANT:</p> <p>ALBANY PORT DISTRICT COMMISSION</p> <p>AUTHORIZED AGENT:</p> <p>MUESER RUTLEDGE CONSULTING ENGINEERS</p>	<p>PROPOSED MAINTENANCE DREDGING</p> <p>IN: HUDSON RIVER</p> <p>AT: PORTS OF ALBANY & RENSSELAER</p> <p>COUNTIES: ALBANY & RENSSELAER</p>
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CONCRETE WHARF

DECK EL. 16.75±

CAP BEAM
AT 20'-0" C.C.

MLW. EL. 0.0

OUTBOARD
LIMIT OF
DREDGE

TIMBER
FENDER PILE

EXIST. MUDLINE
ELEV. VARIES

CAISSONS

*
ALBANY
DREDGE
ELEV.

EL. -32'

EL. -34'

(2' OVER-
DREDGE)

50' 40' 30' 20' 10' 0'

*

RENSSELAER

SECTION IS

SIMILAR, EXCEPT

DREDGE EL. -30,

WITH 2' OVERDREDGE (EL. -32)

SECTION A-A

SCALE: 1/16" = 1'-0"

NOTES:

1. ELEVATIONS SHOWN ARE REFERENCED TO MEAN LOW WATER.
2. MEAN LOW WATER AT THE PORT IS CURRENTLY ESTABLISHED BY THE U.S. ARMY, CORPS OF ENGINEERS AS 1.75' BELOW MEAN SEA LEVEL DATUM.
3. THE MEAN TIDAL RANGE IS 4.6 FEET.

SHEET 4 OF 4

**DREDGING TO PROVIDE
UNHINDERED BERTHING
OF DEEP DRAFT SHIPS**

APPLICANT:

**ALBANY PORT
DISTRICT COMMISSION**

**PROPOSED MAINTENANCE
DREDGING**

Adjacent Property Owners:

1. Exxon/Mobil
2. Barker Steel
3. Getty Petroleum Corp.
4. Besicorp-EDC, LLC

AUTHORIZED AGENT:

**MUESER RUTLEDGE
CONSULTING ENGINEERS**

IN: HUDSON RIVER

**AT: PORT OF ALBANY &
PORT OF RENSSELAER**

**COUNTY: ALBANY, NY
RENSSELAER**